

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)5-14. Administrative Enforcement: Issuance of Complaints
and Signing of Consent Agreements1. AUTHORITY. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA):

- a. to issue written notices of warning;
- b. to issue complaints;
- c. to evaluate the appropriateness of civil penalties, and to negotiate consent agreements memorializing settlements between the Agency and respondents; and
- d. to sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. - 1.d. are delegated to the Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; and Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).
- b. The authorities in 1.a. and 1.c. are delegated to the Chief, Pesticides and Asbestos Programs Branch, LCD.
- c. The authorities in 1.a., 1.c., and 1.d. are delegated to the Regional Counsel.

3. LIMITATIONS.

- a. The delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee in cases of national significance before exercising any of the above authorities, except for the authority to issue written notices of warning. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Regional Counsel or his/her designee and the technical program representatives or their designees will conduct all negotiations.
- b. The authorities in 1.c. and 1.d. may only be exercised with the concurrence of the Regional Counsel.
- c. The Director OECEJ may only exercise these authorities in multi-media cases.

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d. The Director OECEJ must consult with the LCD delegates before exercising these authorities.

e. The authority to promulgate rules of practice governing public hearings conducted in the assessment of a civil penalty against any violator of the Act is reserved to the Administrator.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Sections 9(c) and 14 of FIFRA.

b. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee may exercise these authorities in multi-Regional cases or cases of national significance. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee will conduct all negotiations.

c. The Agency official who signs the complaint should sign the settlement agreement.

d. The Office of Enforcement and Compliance Assurance is continuing to waive consultation by memorandum as Regional Offices gain experience in particular programs.

6. SUPERSESSON. Delegations Manual, FIFRA, Regional Delegations 5-14. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements, 1200 TN RIII-84 (February 15, 1990) and 5-11. Enforcement, 1200 TN RIII-87 (April 4, 1990).

Date 11/9/98

/s/
W. Michael McCabe
Regional Administrator